

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006 - KL

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact: Susan Grimsley

AGENDA ITEM WORDING:

Approval of *Amendment Number One to First Amended and Restated Interlocal Agreement of July 20, 2005 between the Board of County Commissioners of Monroe County, Florida and the Key Largo Wastewater Treatment District* to increase advance funding to the *District* in the amount of Three Million Seven Hundred Dollars (\$3,700,000) as approved by the Board on June 21, 2006.

ITEM BACKGROUND:

On June 21, 2006 the Board approved an increase in advance funding to the Key Largo Wastewater Treatment District solely to pay project costs in the total amount of Three Million Seven Hundred Dollars (\$3,700,000).

PREVIOUS RELEVANT BOCC ACTION:

On July 20, 2005, the Board approved the *First Amended and Restated Interlocal Agreement*.
On June 21, the Board approved an amendment to the Interlocal Agreement, as requested by the Key Largo Wastewater Treatment District, to increase its advance funding to the amount of Three Million Seven Hundred Thousand Dollars (\$3,700,000).

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST:

BUDGETED: Yes No

COST TO COUNTY:

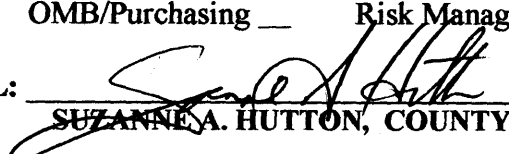
SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

 7/26/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included To Follow Not Required

DISPOSITION:

AGENDA ITEM #

Revised 2/27/01

**AMENDMENT NUMBER ONE
TO
FIRST AMENDED AND RESTATED
INTERLOCAL AGREEMENT OF JULY 20, 2005
BETWEEN
THE BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA,
AND
THE KEY LARGO WASTEWATER TREATMENT DISTRICT**

THIS AMENDMENT NUMBER ONE to the First Amended and Restated Interlocal Agreement of July 20, 2005 is entered into to reflect the agreement of the parties to increase the amount of advance funding available to the Key Largo Wastewater Treatment District.

WHEREAS, by resolution, the Board of Commissioners of the Key Largo Wastewater Treatment District ("District") requested amendment of the Interlocal Agreement to provide an increase in advance funding available to the District; and

WHEREAS, by a voice vote of June 21, 2006, the Monroe County Board of Commissioners agreed to that request;

NOW, THEREFORE, the parties agree that Paragraph 4.09 of the Interlocal Agreement is amended to read as follows:

SECTION 4.09. ADVANCE. The County and the District recognize that the District is in need of capital funds to initiate the Project. Recognizing this need, the County agrees to provide the District with an advance of funds to be used by the District solely to pay Project Costs in the amount of Three Million Seven Hundred Thousand Dollars (\$3,700,000) (the "Advance"), which sum shall be credited against the Reimbursement Amount which the County is obligated to provide to the District under this Agreement. The District has received an advance of One Million Dollars (\$1,000,000). The balance of the Advance shall be paid by the County to the District within thirty (30) days of execution of Amendment Number One to the Interlocal Agreement by the County. As the Advance is spent by the District, the District shall complete the Reimbursement Requisition form provided in Appendix B and supply the County such other documents and information as required in this Agreement as necessary to permit the County to confirm that the Advance (including all investment earnings thereon) has been used solely for Project Costs. The District agrees not to invest the Advance in investments yielding greater than 3.66% per annum. The District shall provide the County with biannual reports of the investments and earnings relating to the Advance until such time as the Advance and all investment earnings thereon have been spent.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on their behalf by authorized representatives of the County and the District.

**BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA**

(SEAL)

By: _____
Mayor/Chairperson

Date: _____

Danny L. Kolhage, Clerk

By: _____
Deputy Clerk



**KEY LARGO WASTEWATER
TREATMENT DISTRICT**

By: Claude M. Bullock
Chairman

Date: July 26, 2006

ATTEST:

Carol Walker
Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Susan M. Grimsley
SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY
7-28-06